

# INTER-OFFICE COMMUNICATION PALM BEACH COUNTY DEPARTMENT OF PLANNING, ZONING AND BUILDING

TO: Results File

FROM: Jon MacGillis, Principal Site Planner

**DATE:** June 22, 2001

RE: Results of June 21, 2001, Board of Adjustment Hearing

Please find attached the result list of the Board of Adjustment hearing held on June 21, 2001.

If you have any questions, please contact me at (561) 233-5223 or the Board of Adjustment Secretary, Janet Quinn at (561) 233-5216.

JPM/jeq Attachment

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BOFA 2001028 Sam And Sunraffee Ramnarace

#### **RESULT - APPROVED WITH CONDITIONS**

To allow an existing solid roof screen enclosure to be converted to a room and to encroach into the side corner setback.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BOFA 2001028	6.5.G Property Development regulations: RM Zoning District side corner setback (converted screen room)	15 Feet	9 Feet	6 Feet
ADDRESS OF PROPERTY:	229 Dorothy Dr.			

- 1. By August 14, 2001, the property owner shall present the Building Division with a copy of the Board of Adjustment Result letter and copy of the Site Plan (Exhibit 9) presented to the Board and apply for building permits for the enclosure of a solid roof screen enclosure addition. (DATE:MONITORING- BLDG. PERMIT)
- 2. By December 11, 2001, The property owner shall receive the building permit for an enclosed solid roof screen enclosure room addition. (DATE:MONITORING -BLDG. PERMIT)
- The property owner shall maintain the 5 foot wood fence along the north property line in good repair at all times. This fence is required to mitigate the side corner setback for the dwelling along the north property line. (ONGOING)
- 4. Survey shows the existing concrete pad encroaching into the LWDD Canal #3. Based on the survey provided and the legal description shown, ownership would not extend beyond the platted lot line of lots 22 and 23. (SURVEYING) COMPLETE
- 5. By September 14, 2001, the property owner shall remove the existing concrete patio and 6' wood fence out of the Lake Worth District easement or have received approval from the LWDD Board of Supervisor's granting permission for the concrete patio and 6' fence to remain within the LWDD. A copy of the approving document must also be presented to the Zoning Staff by September 14, 2001. Release agreements from Florida Power and Light as well as Bell South have been secured which permit the encroaching 6' fence and concrete patio to remain encroaching the 3' Utility Easement (see Exhibit 9&10).(DATE:MONITORING-ZONING-BA)

BOFA 2001040 Julian Bryan

#### **RESULT - APPROVED WITH CONDITIONS**

To allow 4 proposed zero lot line homes to be setback 10 feet from the zero lot property line and to eliminate the required zero lot line privacy fence for each of the four units.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BOFA 2001040	6.6.D Zero Lot Line Property Development Regulations: Zero lot line setback for lots341 to 344)	0 Feet	10 Feet	10 Feet
	6.6.D.1.F Zero Lot Line Property Development Regulations: Zero lot line privacy wall	Privacy Fence	Eliminate Fence	Eliminate Privacy Fence for lots 341 to 344)
ADDRESS OF PROPERTY:	7982 Monarch Cour 7987 Monarch Cour 7988 Monarch Cour	t		

- 1. The property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building permit application. (BLDG PERMIT: BLDG.)
- 2. By March 21, 2002, the applicant shall apply for a building permit on one of the lots: 341, 342, 343, 344 within the Polo Trace II subdivision in order to vest the variance for these lots granted pursuant to BA2001-040 (DATE: MONITORING-BLDG. PERMIT)
- 3. This variance, BA2001-040, is limited to only lots 341, 342, 343, 344, Plat No. 4, within the Polo Trace PUD. The variance was to allow the zero lot units to be setback 10 feet off the zero setback line and eliminate the required zero lot line privacy wall for these four units.(ONGOING)
- 4. The applicant shall Administratively amend the certified site plan for the Polo Trace II, Pod A, Petition 93-057, to reflect the variance on lots 242, 242, 243, 244 and BA conditions of approval. (DATE: MONITORING- DRC)

BOFA 2001041 Marketplace Of Delray, Ltd.

#### **RESULT - APPROVED WITH CONDITIONS**

To allow a replacement sign on the Winn Dixie Store. The ULDC only permits 1 wall sign for the store. The applicant currently had four signs and is replacing one.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BOFA 2001041	7.14 Sign Code, Maximum number of walls signs per business	1 Wall Sign	Allow existing 5 walls signs to remain with one being replaced	1 replacement wall sign
ADDRESS OF PROPERTY:	14545 S Military Trl			

- 1. The property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building permit application. (BLDG PERMIT: BLDG)
- 2. By August 21, 2001, the applicant shall apply to the Building Division for a sign permit for the wall sign for the Marketplace bank wall sign. The sign shall not exceed 38 feet as outline in the BA2001-041 variance application. (DATE-MONITORING-BLDG PERMIT)
- 3. The applicant shall administratively amend the approved Site Plan for the Market Place at Delray shopping center, Petition 81-058, to reflect the BA variance for the Winn Dixie Marketplace Bank sign, by July 21, 2001. (DATE: MONITORING-DRC)
- 4. The sign variance is limited to the replacement of the existing Winn Dixie "Food Pavilion" sign with a proposed 38 square foot Marketplace Bank sign. (ONGOING)

BOFA 2001042 Lw Jog Sc Ltd

#### **RESULT - APPROVED WITH CONDITIONS**

To allow a replacement sign to exceed the permitted number of wall signs for the Winn Dixie store facade.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BOFA 2001042	7.14.j Sign Code: Wall Signs	1 Wall sign per business	Total of six wall signs	Keep existing 5 signs and proposing 1 additional wall sign
ADDRESS OF PROPERTY:	6400 Lake Worth	Rd		

- 1. The property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building permit application. (BLDG PERMIT: BLDG)
- 2. By August 21, 2001, the applicant shall apply to the Building Division for a sign permit for the wall sign for the Marketplace bank wall sign. The sign shall not exceed 38 feet as outlined in the BA2001-042 variance application. (DATE-MONITORING-BLDG PERMIT)
- 3. The applicant shall administratively amend the approved Site Plan for the Lake Worth Plaza Shopping Center, Petition 73-091, to reflect the BA variance for the Winn Dixie Marketplace Bank sign, by July 21, 2001. (DATE: MONITORING- DRC)
- 4. The applicant shall remove one of the existing Winn Dixie wall sign prior to applying for a permit for the new 38 square foot Marketplace Bank sign. (BLDG-PERMIT-ZONING-BA
- 5. This variance is limited to the new Marketplace Bank wall sign. (ONGOING)

BOFA 2001043 Billy E & Jane A Cox

**RESULT - DENIED** 

To allow an existing carport to encroach into the front setback.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BOFA 2001043	6.5.A Property Development Regulations: AR Zoning District: Front Setback	100 Feet	71.1 Feet	28.9 Feet
ADDRESS OF PROPERTY:	5525 3rd Rd.	•		

BOFA 2001044 Margaret A Weiser

#### **RESULT - APPROVED WITH CONDITIONS**

To allow an existing garage to be converted to an accessory apartment to encroach in the side interior and rear set back.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BOFA 2001044	6.4.A Property Development Regulations: AR Zoning District: Rear setback for an Accessory Apartment	54.19 feet	25 feet	29.19 feet
	6.4.A Property Development Regulations: AR Zoning District: Side Interior for an Accessory Apartment	25.06 feet	18.00 feet	7.06 feet
ADDRESS OF PROPERTY:	176250 Alexander Ru	un Ln		

- 1. The property owner shall provide the Building Division with a copy of the BA Result Letter when applying for a building permit to convert the existing garage to an Accessory Apartment. Prior to submitting for this building permit the applicant shall have secured a Special Permit from the Zoning Division for an Accessory Apartment (BLDG. PERMIT-ZONING-BA)
- 2. By February 21, 2002, the property owner shall obtain a building permit for the conversion of the 1000 square foot garage to an accessory apartment in order to vest the rear and side setback approved pursuant to BA2001-044). (BLDG. PERMIT-ZONING)
- 3. There shall be no additions or modifications to the openings on the 1000 square foot structure west or south facade, in order to protect adjacent property owners. (ONGOING)
- 4. By January 21, 2002, or prior to apply for the renovation permit for the accessory garage to an accessory apartment the applicant shall apply and obtain a Special Permit from the Zoning Division for an Accessory Apartment (DATE: ZONING-BA)

5.	By August 21, 2001, the applicant shall remove the storage shed located behind (west property line) the accessory building or obtain a permit to legalize the structure in a location that complies with the required setback. (DATE: MONITORING:CODE ENFORCEMENT-BLDG PERMIT)

BATE 2001045 Meyer Development Lic

#### **RESULT - APPROVED WITH CONDITIONS**

FROM

The applicant has applied for a time extension for 24 months for BA2000022, approved April 20, 2000.

TOTAL

BATE 2001045 June 20, 2001 June 20, 2003 24 MONTHS

TO

BATE 2001045	June 20, 2001	June 20, 2003	24 MONTHS
ADDRESS OF PROPERTY:	14 Ohio Rd.		

The above variance was granted subject to the following zoning condition(s):

1 By June 20, 2001, the applicant shall receive the necessary approvals to add the additional square footage to the free standing building. This parking variance to reduce the parking by 8 spacesshall become null and void if the approval of the additional 1,396 square feet of floor area is not secured by the applicant. (DATE:MONITORING-ZONING)

Is hereby amended to read:

By June 20, 2002, the applicant shall receive the necessary approvals to add the additional square footage to the free standing building. This parking variance to reduce the parking by 8 spaces shall become null and void if the approval of the additional 1,396 square feet of floor area is not secured by the applicant. (DATE:MONITORING-ZONING)

- 2. By April 20, 2001 or prior to the issuance of a building permit for the westerly free standing building, whichever occurs first, the applicant shall amend the site plan to reflect the Board of Adjustment parking variance and conditions of approval. (DATE:MONITORING-ZONING)
- 3. The parking variance was based on the uses, square footage (14,700 square feet plus additional 1,396 square feet to be requested from BCC for a total of 16,096 square feet) and design layout as shown on Exhibit 22, in the BA2000-022 file in the Zoning Division. (ONGOING)
- 4. The westerly free standing building shall be limited to uses that are low generators of parking such as business professional offices, general retail limited repair. (ONGOING)

BOFA 2001046 Lieb Family Holdings Ltd

#### **RESULT - APPROVED AS AMENDED**

To allow the lot frontage for four lots within a proposed subdivision, The Estates at Pennock Point, to be reduced to allow for preservation of native vegetation along the street.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BOFA 2001046	6.5.A Property Development Regulations RT Zoning District: Lot Frontage for Lots 2, 3, 4  6.5.A Property Development Regulations: RT Zoning District: Lot Frontage for lot 5	100 Feet	66 Feet 65 Feet	34 Feet 35 Feet
ADDRESS OF PROPERTY:	5218 Pennock Point Rd.			

- 1. The property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building permit application. (BLDG PERMIT: BLDG)
- 2. By September 21, 2001, the applicant shall amend the Site/Subdivision Plan for Estates at Pennock Point (Petition Z2000-101) to reflect the preserve area as shown on BA 2001-46, Site Plan, Exhibit 24, in the BA Petition File. The BA conditions of approval shall also be shown on the certified Site/Subdivision Plan. (DATE: ZONING-DRC)
- 3. By April 21, 2001, the applicant shall obtain a building permit for one of the 6 single family dwelling units in order to vest the development order for the frontage variance, BA2001-46. (DATE: MONITORING-ZONING-BA)
- 4. The native oak habitat delineated on BA Site Plan, Exhibit 24, shall be preserved according to established practices and requirements of the Department of Environmental Resource Management. All precautions shall be taken during the construction phases of the insfrastrucuture and dwelling units to ensure the oak habitat survives. Any destruction of native trees shall be subject to replacement and penalties according to Article 7.3 and Article 14 of the ULDC. (ONGOING-ZONING-ERM)

- 5. By October 21, 2001, the applicant shall provide the Zoning Division, BA Staff with a copy of the Preserve Management Plan, submitted to ERM. This frontage variance was justified to preserve the existing oak habitat, therefore, assurance must be guaranteed by the current and future property owner's that the trees are preserved in perpetuity. (DATE: ZONING-BA)
- 6. The variance for BA2001-046, is limited to the frontage reduction on lots: 2,3, 4, 5. (ONGOING)

BATE 2001047
Design Properties Of The Palm Beaches,Lc

#### **RESULT - APPROVED WITH CONDITIONS**

To allow a six month time extension for BA2000-40, Condition #1, which required the applicant to obtain a Paving/Drainage Permit by June 20, 2001.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BATE 2001047	To request a six month time extension for BA2001040, Condition #1	Prior to June 20, 2001 obtain a paving/drainage permit	Prior to December 20, 2001, applicant must obtain a permit	6 Month Extension for BA2000-40, Condition #1
ADDRESS OF PROPERTY:	12010 Us 1			

The above variance was granted subject to the following zoning condition(s):

1. Prior to June 20, 2001, the property owner shall obtain a Paving/Drainage Permit from Palm Beach County Building Division in order to vest this parking variance. (DATE:MONITORING BLDG PERMIT-ZONING)

Is hereby amended to read:

Prior to December 20, 2001 the property owner shall obtain a Paving/ Drainage Permit from Palm Beach County Building Division in order to vest this parking variance. (DATE: MONITORING BLDG PERMIT-ZONING)

- 2 The property owner shall acquired an Occupational License from Palm Beach County Tax Collector Division specifying the size and type of business exactly the same as indicated in the justification documentation presented in variance application BA2000-040. The method of service delivery (if applicable) should also be delineated on the occupational license, as outlined below: Interior Yacht Design Firm Total of four staff members Appointment only method of service delivery (ON-GOING-ZONING TRAFFIC)
- 3. The applicant shall submit a Restrictive Covenant to limit the use of the subject property to an interior yacht design firm with four staff members, and operating on an appointment-only basis-as indicated in the variance application BA2000-040. This Restrictive Covenant is to be reviewed and a approved by the County's Attorneys Office, prior to being recorded in the Public Records of Palm Beach County, Florida. One copy of the recorded document shall be submitted to the Zoning Division for inclusion in the applicable Zoning Petition file. (ZONING-COUNTY ATTORNEY) COMPLETED SEE PETITION FILE.

- 4. The variance is approved subject to limited use of the property as an interior yacht design consulting firm in a manner consistent with the provisions of this condition. The business shall be operated solely as an interior yacht design business, with no more than four staff members, and on an appointment only basis. The property owner shall adhere to the letters of affirmation identified as Exhibit Numbers 25 and 28 and floor plans (Exhibit 24) filed with variance request BA2000-040. The variance shall be voided if the provisions of this condition are violated. Any future increases in numbers of staff members or the size of the structure r modifications of the types of business services offered or method of business operation will require review by the Palm Beach County Zoning Division and may require a new variance from the provisions of Section 7.2.B of the Unified Land Development Code. (ZONING)
- 5. Prior to DRC certification, the applicant shall ensure the BOFA conditions (BA200-040) are shown on the approved Site Plan. (DRC-ZONING) COMPLETED- DRC NOT REQUIRED.

BOFA 2001048
Design Properties Of The Palm Beaches,Lc

**RESULT - APPROVED WITH CONDITIONS** 

To allow a utility easement to overlap a landscape buffer by 12 feet.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BOFA 2001048	7.3.E.12 Landscape Code, R/W Buffers: To allow a utility easement to overlap 12 feet into a landscape buffer	5 Feet	12 Feet	7 Feet
ADDRESS OF PROPERTY:	12010 Us 1			

- By July 21, 2001, the applicant shall provide the Building Division with a copy of the BA Result Letter and Landscape Plan, submitted to the BA in order for PR01008401 to be finalized. (DATE: ONGOING-BLDG PERMIT)
- 2. Prior to December 21, 2001, or prior to issuance of the final Certificate of Occupancy the applicant shall contact the Landscape Section for a final landscape inspection. The required landscape shown on Landscape Plan Exhibit 20, in BA2001-048 file in the Zoning Division, shall be installed in accordance with this plan. (DATE: MONITORING-CO-LANDSCAPE)

BATE 2001049
Sullivan Norman F Sr & Annette

#### **RESULT - APPROVED WITH CONDITIONS**

To allow a one year time extension for the development order for BA2000028 and Condition #3.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BATE 2001049	One year time extension for the development	May 18, 2001	May 18, 2002	1 Year
	order for BA200028 One Year time extension for BA2000020, condition #3.	May 15, 2001	May 15, 2002	1 Year
ADDRESS OF PROPERTY:	0 92nd Ct.			

The above variance was granted subject to the following zoning condition(s):

3. The applicant shall commence construction on the daycare center building by May 15, 2001, in order to vest the front and rear setback variances. (DATE: MONITORING-ZONING/BA)

Is hereby amended to read:

- By May 15, 2002, the applicant shall commence construction on the daycare center, in order to vest the front and rear setback variances. (DATE: MONITORING-ZONING/BA)
- 2 By January 15, 2001, or concurrent with submittal of the final Landscape Plan to the Landscape Section, the applicant shall ensure the Landscape Plan reflects the upgrade landscaping along Northlake Blvd., as required by BA2000-28 approval. (DATE: MONITORING-LANDSCAPE)
- 3. Applicant shall comply with all previous conditions of approval. (ONGOING)
- 4. The property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building permit application for the Daycare center. (BLDG PERMIT)
- 5. Prior to DRC certification of the final Site Plan for this daycare center use, the applicant shall ensure the Board of Adjustment conditions are on the certified plan. (DRC) COMPLETED

- 6. The applicant shall install the following landscape plant material in the buffer along Northlake Blvd., prior to final Certificate of Occupancy on the daycare center:
  - 1. Upgrade the required native tree planting with trees 20 feet on-center
  - 2. Use of native saw palmettos, coco plum, wax myrtle hedge material to create a solid visual buffer from the street. (LANDSCAPE/CO/INSPECTION)

BOFA 2001050 R.B. Graves And Son, Inc.

#### **RESULT - APPROVED WITH CONDITIONS**

To reduce the R/W buffer along Okeechobee Blvd.; reduce the rear setback proposed building; eliminate foundation planting; reduce dimensions of the loading space.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BOFA 2001	6.5.G. Property Development Regulations for CG: Rear setback for a proposed building	20 feet	5 feet	15 feet
	7.3.F.3 Right of Way Buffers (100 feet or greater):Reduction of the R/W buffer along Okeechobee Blvd.	20 Feet	5 feet	15 feet
	7.2.F.2 Reduction of the loading space dimensions.	15' X 55'	15' X 40'	15' X 15'
	7.3.F.3  Reduction of the foundation planting along front and side of building	5 feet	3 feet	2 feet
ADDRESS OF PROPERTY:	5850 Okeechobee Blv	d.		

- 1. The property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building permit application. (BLDG PERMIT: BLDG)
- 2. Prior to final DRC certification the applicant shall revise the plan to reflect a minimum 10 foot wide landscape buffer along Okeechobee Blvd. (DRC)
- 3. Prior to final DRC certification the Site Plan shall reflect the BA conditions. The Site Plan presented to the Board of Adjustment, Exhibit 9, in BA2001-50 File, shall only be modified if those changes are consisentent with the BA or BCC approval. (ONGOING)

- 4. By April 21, 2002, the applicant shall obtain a building permit for the 2, 560 sq/ft convenience store in order to vest the variance subject to BA 2001-50. (DATE: MONITORING-BLDG PERMIT).
- Prior to DRC certification the landscaping along Okeechobee Blvd. shall be upgraded as follows:
   a) Buffer width minimum 10 feet wide b) Native shade trees 14 feet in height c) Native hedge material 36 inches in height. (DRC:LANDSCAPE)
- 6. The required landscaping on site shall be maintained in accordance with ULDC, Article 7.3. The trees shall not be shaped or pruned inconsistent with code. All plant material shall be maintained to provide a visual buffer of the site from the adjacent streets and property lines. (ONGOING)
- 7. The landscape buffer along the south property line shall be upgraded to mitigate the rear setback encroachment onto the adjacent mobile home park: a) Install 16 foot high native shade trees 20 feet on-center b) Ensure the existing CBS wall complies with code requirements in terms of height, architectural treatment and buffering. c) Install a 36 inch native hedge, 24 inches on-center. (LANDSCAPE)

BOFA 2001051 Michael Starace & Gwyn D. Radish

#### **RESULT - APPROVED WITH CONDITIONS**

To allow a proposed attached garage to encroach into the required front setback.

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE	
BOFA 2001051	6.5.A Property Development Regulations: AR Lot (Non-conforming lot setbacks) Front Setback for proposed attached garage	10.8 Feet	8.2 Feet	2.6 Feet	
ADDRESS OF PROPERTY:	5054 Woodland Dr Fl ,#33484				

- 1 The applicant shall provide the Building Division with a copy of the BA Result letter in order for PR01010712, garage building permit application to be processed. (BLDG PERMIT)
- 2. By February 21, 2002, or final Certificate of Completition on the garage (PR01010712), the applicant shall install a 48 inch native hedge along the west property line to extend approximately 30 feet along the side of the garage. The hedge is required to mitigate the side setback encroachment. (DATE: CO-BLDG)

BOFA 2001052 Walter R & Suzanne D Karpinia

**RESULT** -

**POSTPONED UNTIL JULY 19, 2001 hearing** 

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BOFA 2001052	6.5.A Property Development Regulations: AR Front Setback for Existing Accessory Building	100 Feet	83.5 Feet	16.5 Feet
ADDRESS OF PROPERTY:	11406 N 172nd Pl N			